

CRM (DB) 2141 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara Police Station** Case No. **399 of 2023** dated **14.05.2023** under Sections **323/326/506** of the Indian Penal Code and Sections 4 and 18 of the POCSO Act.

- A n d -

In the matter of : Biswajit Bairaggi @ Bairggya @ Bairagi

.... Petitioner.

Mr. Sandip Chakraborty,
Mr. A. Islam,
Mr. S. Mukherjee,
Mr. K. Das,

... For the Petitioner.

Mr. Bitashok Banerjee,
Ms. D. Mondal,

... For the State.

The petitioner says that he had amorous relationship with the victim girl. He was invited to the victim girl's house. There, the parents of the victim girl caught both of them in compromising position. Hence, this case was registered. He is in custody for one year and four months. There has been no substantial progress in the trial. He should be granted bail.

Learned Advocate for the State, while opposing the prayer for bail, draws to our attention two earlier rejection orders. He says that two witnesses have been examined, in part. All attempts will be made to conclude the trial at an early date. There is sufficient material against the petitioner.

We have considered the material on record. *Prima facie*, it appears that the material is not such as would disentitle the petitioner to the privilege of bail. Investigation is complete. Witness action has begun. However, there is no certainty as to

when the trial will conclude. The fundamental right of a citizen to personal liberty and speedy trial cannot be undermined at any cost. In the present case, we do not see that the trial will conclude at an early date. Hence, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Biswajit Bairaggi @ Bairggya @ Bairagi**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the POCSO Act, Krishnagar, Nadia and on further conditions that he shall not enter the jurisdiction of the Nakashipara Police Station and shall give his current address to the Officer-in-Charge of the Police Station within which he will reside and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**